

REMARKS/ARGUMENTS

The Office Action mailed August 15, 2005 has been reviewed and carefully considered. Claim 9 has been amended. Claims 1-20 are pending in this application, with claims 1 and 20 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed on August 15, 2005, claim 9 was objected to because the phrase "the neutral position" lacks antecedent basis. Claim 9 is amended to recite --a neutral position-- to thereby provide proper antecedent basis. In view of this amendment, the objection should now be withdrawn.

Claims 1-20 stand rejected under 35 U.S.C. §102(a) as anticipated by JP 2002-83535 (Kin).

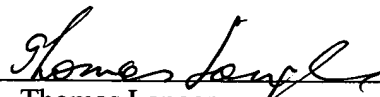
Enclosed herewith is a Declaration under 37 CFR 1.132 by the inventors of the present application which states unequivocally that they are the inventors of the subject matter disclosed in JP 2002-83535. According to MPEP §716.10, such an unequivocal statement "will be accepted as establishing inventorship."

As further stated in the attached Declaration, the discrepancy between the inventor names Dongzhi Jin in the present application and Koji Kin in JP 2002-83535 relates to different pronunciations of the inventor's name in Japanese and English. Since the inventors of the JP 2002-83535 are the same as the inventors of the present invention, the invention disclosed in JP 2002-83535 cannot be considered to be "by another," as required under 35 U.S.C. §102(a). Accordingly, JP 2002-83535 does not qualify as prior art under 35 U.S.C. §102(a), and the rejection must be withdrawn.

The application is considered to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

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